THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19540 of 1997

Dated:21.2.2007

Between
M.Kumar

.....Petitioner

and

1. The Revenue Divisional Officer
Mahabubnagar, and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19540 of 1997

ORDER:

This writ petition is filed seeking a mandamus to declare the action of the 2nd respondent in issuing the advertisement No.B/1397/97 dated 28.7.1997 and the consequential appointment of the 3rd respondent as Kavalkar in place of the petitioner's father, as arbitrary and illegal.

It appears that father of the petitioner namely Jangaiah s/o Ellaiah died in harness while he was working as a Kavalkar on 28.6.1997. The department had conducted an enquiry as to the eligibility of the children of late Jangaiah for appointment as Kavalkar of the village. The Mandal Revenue Officer proceeded to Alwal village on 16.7.1997 and

found that late Jangaiah was having wife, three daughters and four sons. All the three daughters were married and living in their respective in-laws houses. Out of four sons, the elder one was 28 years and he was an illiterate; 2nd son was 24 years and he studied up to 3rd class; 3rd son was 20 years and he studied 3rd class and the 4th son was studying 9th Class, but he was only 15 years. Therefore, he found that the sons of Late Jangaiah are not eligible to hold the post of Kavalkar since they do not satisfy the criteria under GO.Ms.No.349 General Administration (Services-A) Department, dated 12.6.1986.

Though the first, second and third sons of late Jangaiah are majors, they do not have requisite qualification. The 4th son who has requisite qualification, does not satisfy the minimum age criterion of 18 years for being appointed as Kavalkar. According to the Mandal Revenue Officer, the petitioner, who is

the 4th son of late Jangaiah, has furnished certificate showing wrong age. In fact, as per the certificate dated 22.1.1997 issued by the school authorities the petitioner was born on 14.4.1982 and thus, he does not satisfy the minimum age criterion of 18 years. When no eligible legal heirs of late Jangaiah were available for appointment to the post of Kavalkar, the impugned notification was issued calling for applications for filling up the said vacancy, interviews were conducted on 18.8.1997 and one M.Shiva Kumar (respondent No.3) who was found to be eligible was appointed.

In view of the above, it appears that as on the date of death of Jangaiah, none of his sons were found to be eligible for the post of Kavalkar. Therefore, the respondents have advertised the post for being filled up by calling for applications and in pursuance of the same, the 3rd respondent was appointed. The writ petition is devoid of merits and is liable to be

dismissed.

Accordingly, writ petition is dismissed No costs.

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21.02.2007

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